

NATURAL RESOURCES COMMISSION

Meeting Minutes

January 23, 2008

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, Concord, MA at 7:00 p.m. on Wednesday, January 23, 2008. The following Commissioners were present: Steve Verrill (acting Chair), Jamie Bemis, and George Lewis. Delia Kaye, Natural Resources Administrator, and Cynthia L. Gray, Natural Resources Administrative Assistant were also present.

CONTINUANCES:

TOWN OF CONCORD – Railroad Right-of-Way (Bruce Freeman Rail Trail) / ANRAD – Request for confirmation of wetland resource areas, DEP File #137-948

With the consent of the applicant, this hearing was continued to February 20, 2008.

WEST CONCORD DEVELOPMENT, LLC - 54 Old Powdermill Road /ANRAD - The applicant is seeking confirmation by the Natural Resources Commission of wetland resource area boundaries on the property, **DEP File#137-959.**

Cynthia O'Connell of Beals Associates Inc. appeared on behalf of the applicant. She submitted two full-sized copies of the revised plan at this evening's hearing. She stated that the resource areas are at the northern corner of the property. The Assabet River and majority of associated wetlands are offsite. Two intermittent streams, not shown on USGS maps, flow into the Assabet River. Revisions to the plan include flagging to incorporate a depressed area that is connected to other Bordering Vegetated Wetlands. A drainage channel that discharges flow from a mid-slope outfall was flagged but determined to be an unregulated area because there are no wetlands upslope. Flow from the pipe is limited to stormwater runoff from the site.

There may be a conservation restriction on the gas easement that is not clearly shown on the plan. Cynthia O'Connell indicated that she had been in touch with the Acton Conservation Commission to follow up on this. There is an existing footpath along the embankment of the Assabet River.

This hearing was continued to February 6, 2008 at which time the Commission expects to close and issue an Order of Resource Area Delineation (ORAD) for recording.

NEW APPLICATIONS

THE FIRST PARISH IN CONCORD – 16 Lexington Road / NOI – Building renovations including a third floor addition; redevelopment of parking lots, driveways, walkways, and landscaping; installation of a new drainage system within Bordering Land Subject to Flooding and 200-foot Riverfront Area to Mill Brook and in the 100-foot Buffer Zone to Bordering Vegetated Wetland and Bank, DEP File #137-960.

Bernard Hamill of Ambient Engineering, Inc. appeared on behalf of the applicant. Mr. Hamill provided a project overview, and responded to several concerns raised by Natural Resources staff (provided to Ambient via email). The church was last upgraded in 1957. Dennis Lowry of ENSR International did the wetland delineation, but Mr. Hamill was unclear on the actual date and would obtain and provide this information to the Commission. It does not appear that Mean Annual High Water (MAHW) line was flagged, but Mr. Hamill would follow up on this issue as well. The Commission reminded the Applicant's representative that wetland delineations are valid for three years. Ms. Kaye stated that the wetland line had not yet been reviewed by staff, but if it had not substantially changed a new delineation would not be required.

Bernard Hamill provided the Commission with a copy of the Description of Proposed Landscape Improvements at this evening's hearing. Mr. Hamill stated that the proposed increase in impervious surface in the 25-foot NDZ was a result of a widened access from 12 to 14 feet required by the Fire Department. After discussion, he agreed to confirm that 14 feet was required by the Fire Department (a lesser width may not require encroachment into the 25-foot NDZ).

The applicant has already appeared before the Historic District Commission and received preliminary approval pending Planning Board and the Natural Resources Commission approvals. The site currently has three discharges to the Mill Brook with no treatment. The applicant is proposing to put in a Cape Cod berm along the edge of pavement, add deep sump catch basins, and abandon two of the three existing drainage structure. A Stormceptor® is proposed to remove 94% of the site's total suspended solids. Concord Engineering is currently reviewing the drainage calculations. Mr. Hamill clarified that there will be no Bordering Vegetated Wetland (BVW) or Bank alteration and indicated that he would submit a revised Page 3 of the NOI form reflecting no alteration to Bank and BVW. One electrical transformer within the floodplain is proposed to be relocated within the floodplain and the 25-foot No Disturb Zone (NDZ). Mr. Hamill will investigate whether placement next to the building will conform to Town code, and whether the transformer can be located outside the 25-foot NDZ. The Commission requested confirmation that there will be no change to the building footprint. Bernard Hamill noted an existing dumpster that does not belong to the applicant, but belongs to a neighbor. There was a prior wetland violation and the applicant's representatives were advised that if this dumpster remained on the premises, the church would be held responsible and accountable for a pending violation.

It was noted that the applicant still needs to provide a Riverfront Area alternatives analysis and performance standards compliance. Limits of work on the Invasive Species Plan provided needs to be clarified. A list of trees (size and type) to be removed needs to be provided. Delia Kaye asked whether the snow removal area could be located outside of the 25-foot No Disturb Zone. The Commission requested that the applicant investigate the feasibility of more directed lighting away from the brook.

Delia Kaye requested that Ambient Engineering show the proposed conditions using an overlay of the existing conditions plan. Mr. Hamill will provide this.

This hearing was continued to February 6, 2008.

CRAIN – 35 North Branch Road / NOI – Constructing an addition to an existing single-family dwelling in the 200-foot Riverfront Area of the Assabet River and in the 100-foot Buffer Zone to Bordering Vegetated Wetland, DEP File #137-961

Jonathan Bollen of Stamski & McNary, Inc. appeared together with the Applicants. Jonathan Bollen stated David Crossman of B & C Associates flagged the wetlands. The entire lot is in the Riverfront Area. The premises contain flat lawn with well-drained soils. Delia Kaye asked if Mr. Bollen had taken note of the Department of Environmental Protection's comments requesting plantings in the 100-foot inner Riverfront Area to mitigate for the increased building square footage. Mr. Bollen asked if the applicant needed to provide staff with the number of proposed plantings. It was suggested that native plantings be incorporated into landscaping adjacent to the house.

This hearing was continued to February 6, 2008 at which time the Commission expects to close the hearing and issue a permit.

OTHER BUSINESS:

Approve December 5, 2007 meeting minutes

Jamie Bemis moved to approve the December 5, 2007 meeting minutes. George Lewis seconded. All so voted.

Hubbard Brook APR update

Due to recent regulation changes, private land trusts cannot hold an APR unless they have "agricultural preservation" in their articles of organization. The Land Trust would need to form a subsidiary organization to obtain an APR, which could be used for multiple parcels of land. This means that the \$250,000 hoped for from an APR will need to be privately raised.

DEP/Dee Bus update

Delia Kaye informed the Commission that she has been working with the DEP to bring the site into compliance with the MCP standards. Delia informed the DEP that the roll-offs were removed from the site but the absorbent pads are still present in the wetland.

Wetland Bylaw

The Commission will meet on February 4th or 5th to run through the presentation before the presentation to the League of Women Voters on February 6. Betsy Sluder, Environmental Chair of the League of Women Voters pointed out the value of Dee Bus as an example of wetland violations that are difficult to enforce under the WPA.

Delia Kaye indicated that she is looking into the possibility of combining the bylaw mailer with the Water Division bill mailings.

MACC Annual Environmental Conference – March 1, 2008

Delia Kaye recommended that Commissioners attend if possible.

Stormwater Revisions – January 2, 2008

The stormwater revisions are now part of the Wetland Protection Act. The DEP is holding a series of free workshops to provide an overview of regulatory changes. Delia Kaye will provide an update to the Commission at the next meeting.

Village Overlay Committee Report

The Village Overlay Committee Report is available on the Town website.

Walden Passages Feasibility Study – Final Report.

Delia Kaye noted that the Final Report dated December 2007 is now complete. It recommends the Goose Pond overpass to provide a combined wildlife/pedestrian overpass. It is available at the Division of Natural Resources office for review.

Marabello/Boston Bark

Delia Kaye noted that interested parties are working with Brent Reagor, Administrator of the Concord Board of Health concerning the foul odor issue at Marabello Farm. The Commission is planning a site visit in the spring to view the site for further discussion.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Delia R. J. Kaye, Natural Resources Administrator

Cynthia L. Gray, Natural Resources Administrative Assistant